

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1188 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 4-9.1-1-7 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) The board may
5 transfer money between state funds, and the board may transfer money
6 between appropriations for any board, department, commission, office,
7 or benevolent or penal institution of the state. After the transfer is made
8 the money of the fund or appropriation transferred is not available to the
9 fund or the board, department, commission, office, or benevolent or
10 penal institution from which it was transferred.
11 (b) An order by the board to make a transfer under this section is
12 sufficient authority for the making of appropriate entries showing the
13 transfer on the books of the auditor of state and treasurer of state.
14 (c) The authority given the board under this section to make
15 transfers does not apply to **either of the following:**
16 **(1) Trust funds.** For the purposes of this section, "trust fund"
17 means a fund which by the constitution or by statute has been
18 designated as a trust fund or a fund which has been determined by
19 the board to be a trust fund.
20 **(2) Funds designated as exempt from this section as provided**
21 **in an appropriation act or in any other law.**
22 SECTION 2. IC 4-12-1-12 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. (a) Within forty-five
2 (45) days following the adjournment of the regular **or special** session
3 of ~~the~~ **a general assembly in which a budget is adopted**, the budget
4 agency shall examine the acts of such general assembly and, with the
5 aid of its own records and those of the budget committee, shall prepare
6 a complete list of all appropriations made by law for the budget period
7 beginning on July 1 following such ~~regular~~ session **in which a budget**
8 **is adopted**, or so made for such other period as is provided in the
9 appropriation. While such list is being made by it the budget agency
10 shall review and analyze the fiscal status and affairs of the state as
11 affected by such appropriations. A written report thereof shall be made
12 and signed by the budget director and shall be transmitted to the
13 governor and the auditor of state and shall be mailed to each member of
14 such general assembly.

15 (b) Not later than the first day of June of each calendar year, the
16 budget agency shall prepare a list of all appropriations made by law for
17 expenditure or encumbrance during the fiscal year beginning on the first
18 day of July of that calendar year. At the same time, the budget agency
19 shall establish the amount of a reserve from the general fund surplus
20 which such agency estimates will be necessary and required to provide
21 funds with which to pay the distribution to local school units required
22 by law to be made so early in such fiscal year that revenues received in
23 such year prior to the distribution will not be sufficient to cover such
24 distribution. Not later than the first day of June following adjournment
25 of such regular session of the general assembly the amounts of the
26 appropriations for such fiscal year, and the amount of such reserve,
27 shall be written and transmitted formally to the auditor of state who
28 then shall establish the amounts of such appropriations, and the amount
29 of such reserve, in the records of the auditor's office as fixed in such
30 communication of the budget agency.

31 (c) Within sixty (60) days following the adjournment of any special
32 session of the general assembly, or within such shorter period as the
33 circumstances may require, the budget agency shall prepare for and
34 transmit to the governor and members of the general assembly and the
35 auditor of state, like information, list of sums appropriated, and if
36 required, an estimate for a reserve from the general fund surplus for
37 distribution to local school units, all as is done upon the adjournment of
38 a regular session, pursuant to subsections (a) and (b) of this section to
39 the extent the same are applicable.

40 (d) The budget agency shall administer the allotment system
41 provided in IC 4-13-2-18.

42 (e) The budget agency may transfer, assign and reassign any
43 appropriation or appropriations, or parts of them, excepting those
44 appropriations made to the Indiana state teacher's retirement fund
45 established by IC 21-6.1, made for one specific use or purpose to

another use or purpose of the agency of state to which the appropriation is made, but only when the uses and purposes to which the funds transferred, assigned and reassigned are uses and purposes the agency of state is by law required or authorized to perform. No transfer may be made as in this subsection authorized unless upon the request of and with the consent of the agency of state whose appropriations are involved. Except to the extent otherwise specifically provided, every appropriation made and hereafter made and provided, for any specific use or purpose of an agency of the state is and shall be construed to be an appropriation to the agency, for all other necessary and lawful uses and purposes of the agency, subject to the aforesaid request and consent of the agency and concurrence of the budget agency. **The transfer, assignment, or reassignment of funds, accounts, and appropriations provided for in this section applies to transfers, assignments, or reassignments except as specifically provided for in an appropriation act or in any law. If an appropriation, an account, or a fund is specifically excluded from the transfer, assignment, or reassignment process, whether by an appropriation act or any other law, the money in the appropriation, account, or fund may not be transferred, assigned, or reassigned by the budget agency.**

(f) One or more emergency or contingency appropriations for each fiscal year or for the budget period may be made to the budget agency. Such appropriations shall be in amounts definitely fixed by law, or ascertainable or determinable according to a formula, or according to appropriate provisions of law taking into account the revenues and income of the agency of state. No transfer shall be made from any such appropriation to the regular appropriation of an agency of the state except upon an order of the budget agency made pursuant to the authority vested in it hereby or otherwise vested in it by law.

SECTION 3. IC 4-30-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) There is established the build Indiana fund to receive:

- (1) deposits of surplus lottery revenues collected under this article;
- (2) **pari-mutuel wagering taxes paid under IC 4-31-9-3;**
- (3) **deposits of surplus revenue transferred under IC 4-32-10-6;**
- (4) **riverboat wagering taxes transferred under IC 4-33-13-5;**
- (5) **money reverting from the Indiana technology fund under IC 4-34-2-1; and**
- (6) **appropriations from the general assembly under section 14 of this chapter.**

(b) The fund shall be administered by the treasurer of state. The treasurer of state shall invest the money in the fund that is not needed

to meet the obligations of the fund in the same manner as other public funds are invested.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund. **Money in the fund is not subject to:**

(1) transfers by the state board of finance as allowed under IC 4-9.1-1-7; or

(2) transfer, assignment, or reassignment by the budget agency as allowed under IC 4-12-1-12(e).

SECTION 4. IC 4-30-17-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 14. There is annually appropriated to the build Indiana fund thirty million dollars (\$30,000,000) from the state general fund to be used for state or local capital projects that are managed or carried out by an eligible recipient."**

Page 12, line 5, delete "subsection" and insert "section".

Page 17, line 37, delete "thirty-one percent (31%)." and insert "thirty-three percent (33%).".

Page 18, line 22, after "(145,000)," insert "the first fifty thousand dollars (\$50,000) of tax revenue distributed under this clause in the first calendar year that pari-mutuel pull tabs are offered in the county must be paid to the county treasurer for a one-time distribution to a shelter for victims of domestic violence located in the county. The remainder of the tax revenues distributed under this clause in the first year and the total amount of the".

Page 18, line 23, after "clause" insert "each year thereafter".

Page 19, line 30, after "fund" insert "during a state fiscal year".

Page 19, delete lines 33 through 34, begin a new line double block indented and insert:

"(B) Fifty percent (50%) shall be set aside to be paid as follows:

(i) Twelve million five hundred thousand dollars (\$12,500,000) shall be paid to the state general fund.

(ii) Subject to subsection (e), the remainder shall be set aside for revenue sharing under subsection (d)."

Page 20, between lines 11 and 12, begin a new paragraph and insert:

"(e) The total amount distributed under subsection (d) in a state fiscal year may not exceed fifty-three million dollars (\$53,000,000). Tax revenues set aside under subsection (c)(B)(ii) in excess of fifty-three million dollars (\$53,000,000) must be paid before August 15, 2005, and each year thereafter as follows:

(1) Seventy-five percent (75%) to the build Indiana fund established under IC 4-30-17.

(2) Twenty-five percent (25%) to the counties, cities, and

1 towns eligible for revenue sharing under subsection (d) as a
2 supplemental revenue sharing payment.

3 The treasurer of state shall determine the amount due to the
4 county treasurer of each county under this subsection in the same
5 manner as payments to the county treasurer of each county are
6 determined under subsection (d). The county auditor of each
7 county receiving money under this subsection shall distribute the
8 money in the same manner as the county auditor distributes
9 money received under subsection (d).".

10 Page 20, line 14, delete "fifteen percent (15%)" and insert "**thirteen**
11 **percent (13%)**".

12 Page 20, line 20, delete "Forty-five percent (45%)" and insert
13 "**Forty-six percent (46%)**".

14 Page 20, line 27, delete "(ii)" and insert "**(iii)**".

15 Page 20, line 30, delete "Forty-five percent (45%)" and insert
16 "**Forty-six percent (46%)**".

17 Page 20, line 37, delete "Ten percent (10%)" and insert "**Eight**
18 **percent (8%)**".

19 Page 21, line 2, delete "Forty-five percent (45%)" and insert
20 "**Forty-six percent (46%)**".

21 Page 21, line 4, delete "Forty-five percent (45%)" and insert
22 "**Forty-six percent (46%)**".

23 Page 21, line 6, delete "Ten percent (10%)" and insert "**Eight**
24 **percent (8%)**".

25 Page 38, delete lines 32 through 42.

26 Delete page 39.

27 Page 40, delete lines 1 through 7.

28 Page 41, delete lines 27 through 42.

29 Page 42, delete lines 1 through 9.

30 Re-number all SECTIONS consecutively.

(Reference is to HB 1188 as printed January 23, 2004.)

Representative Reske